- *International trade and investment systems should safeguard the global commons and respect and promote human rights, the rights of workers, women, indigenous peoples, and children.* The rights of local communities to protect and use their natural resources to secure the needs of their people in a sustainable manner need to be respected. Societies need rules to protect the public interest. As in any area of human activity, international trade and investment are properly regulated to that end—preferably by the democratically chosen governments of the nations and communities involved. Any international agreement on trade and investment should properly support such local and national regulation.
- *Finally, all international agreements should support the goal of creating sustainable societies.* This will require changes in past practice that will be addressed more fully in subsequent chapters.

Surely, it is time for a new approach.

CHAPTER FIVE

Reclaiming the Commons

What Should Be Off-Limits to Globalization?

AS RECENTLY AS two decades ago, large parts of the world were not part of economic globalization. The majority of people in the world still lived off the land with little dependence on outside markets. In many rural areas, seeds were exchanged as the collective property of the community, not the private property of Monsanto or Cargill. Of the three hundred million indigenous people in the world, most lived in complete isolation from global trade activity. Municipal water systems were usually under local government or community control. Much of the economic activity in the Soviet Union, Eastern Europe, and China was not linked to global markets. Most developing countries restricted foreign investment in their banking, insurance, and other critical economic sectors. Most stock markets were national, closed to global investors. Even though global corporations clamored to enter each of these domains, national and local governments and communities maintained strong barriers.

All of that has changed. Under two decades of market fundamentalism, introduced by Ronald Reagan, Margaret Thatcher, Helmut Kohl, and their counterparts elsewhere, the boundaries came crashing down. Some of this was seen in dramatic fashion on CNN in living rooms around the world, such as the destruction of the Berlin Wall. Some happened in the face of remarkable citizen opposition, such as the passage of NAFTA in 1993 and the WTO in 1994. Other battles over the global spread of corporate control occurred on the local stage, such as the determined fight by Bolivian workers and peasants to keep the municipal water system in Cochabamba out of the hands of Bechtel and the struggles of Indian peasants against the Cargill and Monsanto assertions of property rights over their seeds. During these two decades, global corporations—with the strong support of many national governments—forcefully asserted their right to any market anywhere. And today their reach has extended into virtually every domain of even remote rural communities around the world.

One of the most critical points of unity among the authors of this document is that this encroachment of corporate globalization into every aspect of life and the environment must stop. We seek to shift the framework of the overall debate on globalization in this sense: we believe that many aspects of social and economic life around the world should be off-limits to the processes of economic globalization. In this chapter, we offer the beginnings of a framework for choosing which arenas should be off-limits to which aspects of economic globalization.

On one level, there is already agreement across the spectrum of the globalization debate that certain goods and services should be kept out of trade. For example, governments around the world have created a global convention to ban trade in hazardous wastes. Likewise, there is a global convention against the trafficking of endangered species. And there is growing global action against the trafficking across borders of women sold into sexual bondage.

Now, the International Forum on Globalization would like to expand the debate beyond these pernicious goods to include the rights of peoples and obligations of nations concerning what has traditionally been called *the commons.*

In this chapter, we offer an overview of the many notions of the commons around the world and spell out the current threats of economic globalization to commons such as freshwater, the genetic commons, communal lands, and others. We then introduce the concept of the modern commons—that is, the role of governments in carrying out a sacred public trust to perform certain key services that were once the province of communities and families but have been captured by and subsumed into the nation-state. We argue that selling off these services to global corporations—which operate on an entirely different set of priorities than the public interest—is a grave violation of these modern commons, many of which should never be commodified. We argue that they are also obligations of governments as trustees of the common rights and services of people. Finally, we offer a few ideas on how the commons might be protected from the worst aspects of economic globalization.

We offer these suggestions in the spirit of opening up a complex discussion. We do not pretend to present the final answers.

Understanding the Commons

Much of the thrust of economic globalization over these decades has been driven by global corporations pushing to develop and market every type of natural resource. In a world where natural resources were already seriously overexploited, corporations have attempted to convert every remaining nook and cranny of the natural world and human experience into commodified form.

Now, areas of life traditionally considered out of bounds are being considered for monetized activity, private ownership, or global trade. These are aspects of life that had been accepted since time immemorial as collective property, or the common heritage of all peoples and communities, existing for everyone to share as they have for millennia. These are what have been known as *the commons.*

Obvious among them are the air we breath, the freshwater we drink, the oceans and the diverse wildlife and plant biodiversity of the world, the genes all creatures pass to following generations, the stores of human knowledge and wisdom, the informal support systems of the community, the seeds that communities use for replanting, the public square, shared languages and culture, and among indigenous peoples, communal lands that have been worked cooperatively for thousands of years.

Some commons are gifts from the bounty of nature and are crucial to the survival of people and the earth. Most cultures have innumerable rituals to celebrate these gifts and rules or taboos against harming them. Other commons are new, including, for example, the broadcast spectrum or the Internet. Still others are ancient, such as the common grazing meadows of Africa, Europe, and Asia; folklore; and cultural artifacts.

Some commons may be thought of as global, such as the atmosphere, the oceans, outer space, and because they have no territorial claimants, Antarctica and the moon. Others may be thought of as community commons: public spaces, common lands, forests, the gene pool, local innovative knowledge with respect to medicinal plants, and seeds that communities have developed over centuries.

Author Jonathan Rowe of California's Tomales Bay Institute points out that the key characteristic of all aspects of the commons is that they belong to everyone. No one has traditionally had exclusive rights to them. We have inherited them jointly; they are our common heritage. They "are more basic to our lives than the state or the market," says Rowe. He goes on to say, "One cannot imagine a life without air fit to breathe, oceans rich with life, free clean water, a vibrant biodiversity. These are things we have always taken for granted. The commons have the quality of always having been there, one generation after another, available forever to all."

Later in this chapter, we will advocate for yet another category—the "modern commons" of public services like health, water purification and distribution, education, and information, each of which was once achieved informally within small local and indigenous communities that have since been absorbed by the state and are also now on tap for privatization.

The modern nation-state has also taken onto itself the collective security of its citizens, which in a less technologically oriented and mobile world was once the province of communities. In that context, we need to discuss the varieties of security protection that a modern state is obliged to offer in addition to its obvious military roles. Since adopting the Universal Declaration of Human Rights in 1948, the United Nations has helped governments define basic human rights. Governments are obligated to protect human rights, as well as food security, as fundamental to life. Protection of cultural diversity is also a basic duty and right. Nothing in the global trading system should ever be permitted to reduce these fundamental priorities. (At present, many elements of the WTO and other trade agreements work directly against countries that try to protect these fundamental rights, which we now propose as part of the modern commons.)

Precise categorization of each type of commons is difficult to achieve because many cross several categories—for example, river water (which may pass through several regions and countries), biodiversity (which may be local or national), the broadcast spectrum (which may be local, national, or international), and the genetic structures of life. Similarly, protections against trade that destroys the commons—toxins, armaments, and so on—must be national and international.

Nonetheless, the purpose of this discussion is to lay on the table one central principle: *Any global trading system needs to recognize and yield to the primary notion that not every aspect of experience should be subject to its centralized rules, and many aspects should never be included in global trade or investment of any kind or in the rules that govern trade and investment.*

Such complex questions are usually omitted from discussions about global trading systems, which usually keep their focus on new resources, expansion, and profit. But these questions must be addressed if any kind of social or environmental sustainability is to be obtained. How can communal spaces be effectively protected? Do any effective instruments now exist? What new ones can be proposed? How do we define the areas of the commons, common heritage, or government services that should *never* be subject to trade—or at least never be subject to the authority of global agreements that impinge on local or national sovereignty? What are the obligations of nation-states in the modern world? What goods are too dangerous—toxins, weapons, and drugs, for example—to be allowed into the global trade system at all? Should we establish taboos for certain kinds of trade?

Current Threats to the Commons

The conversion of the commons into commodified, privatized, "enclosed" form has been under way for centuries. (See the following section, "The Tradition of the Commons," for more on the history of this subject.) In the current context, the main engines of this conversion are the global corporations and the global bureaucracies that increasingly have served these corporations. With the help of the new global trade and finance bureaucracies, corporations are finding opportunities in some virgin territory that most humans never thought could possibly be fodder for corporate enterprise. Here are a few examples.

THREATS TO THE FRESHWATER COMMONS

Unthinkable as it may seem, freshwater—a common heritage basic to the survival of all human beings—is being opened up to private ownership, commodification, export, and trade. It's as if water were an ordinary commodity, like new computer parts or car tires, rather than a shared, irreplaceable, and limited resource needed by all creatures of the earth.

In many parts of the world, the rights to freshwater in rivers, streams, and lakes are being sold to giant transnational corporations like Bechtel, Vivendi, and others. (Before its collapse, Enron was also a main player in water deals.) These firms have started charging users for every drink of water or liter of irrigation. For people who cannot pay the fees—and many cannot—they, their families, and their fields go thirsty.

Private corporations around the world have identified freshwater as the last great untapped natural resource to be exploited for profit. They are quickly taking control of water and water services to kick-start trade in what authors Maude Barlow and Tony Clarke have labeled *blue gold*. Indeed, water is becoming just as important as a prior era's black gold—oil.

Companies have been able to proceed aggressively because water has been defined as a tradable commodity by both NAFTA and the WTO. Once the tap is turned on—that is, once any deals are made by *any* state or municipality in a country to privatize water or water services—the tap cannot be turned back off without violating corporate rights. The WTO contains specific provisions prohibiting the use of export controls to prevent the export of water, and NAFTA contains a clause (chapter 11 of NAFTA) that gives companies the right to sue governments for lost *future* profits. This applies, for example, in cases where governments try to stop water export. Water services are also among those slated to be labeled as a commodity in the new General Agreement on Trade in Services (GATS), under a new category called "Environmental Services." (For more on this, see the later section "Threats to the Modern Commons.")

Once water is privatized, commodified, and put on the open market, it is not available to everyone who needs it but only to those who pay. Right now, contrary to popular understanding, most of the world's freshwater is used by corporate industrial agriculture and in manufacturing, such as in the computer industry for manufacture of computer chips. Relatively little is left for drinking or small-scale farming.

Some 460 million people worldwide are now dependent on private water corporations; this is up from only 50 million in 1990. But growing at equal speed is resistance to water privatization. A powerful global citizens' movement is demanding recognition that access to the freshwater commons and control of it is a basic human right. These are some brief examples from around the world:

Argentina

In 1993, the World Bank required Argentina to privatize its water systems as a condition of its loan. The world's largest water company, Suez, took over through a subsidiary, Aguas Argentinas. The World Bank, the IMF, and other lending agencies funded 97 percent of that $1 billion water privatization, and residential water rates *increased by 88.2 percent*. In 1997, Suez was charged with failing to improve and expand services as promised. In 2003, it was also charged with not fully treating much of the sewage it transported, and with dumping untreated sewage into Argentina's rivers. Water in seven districts in Buenos Aires was found to be "unfit for human consumption." In response, thousands of citizens have blocked roads in protest, and demanded congressional oversight and cancellation of the privatization contract.

Bolivia

As in Argentina, the World Bank in 1999 made water privatization of Bolivia's third largest city, Cochabamba, a condition of debt reduction. Bechtel Corporation got the contract, via its subsidiary, Aguas del Tunari, and increased water rates by as much as 200 percent. Virtually overnight, families earning only $60 per month faced water bills of $20 per month. A new protest organization soon formed, called the Coordination in Defense of Water and Life. At first the government defended Bechtel, using deadly force in some cases. But in April 2000, the protest was so extensive and powerful that Bechtel abandoned the project. It also responded, however, with a $25 million lawsuit against Bolivia for "lost profits" under a Bolivia-Netherlands investment treaty that mirrors NAFTA rules. (The outcome is still pending.) Meanwhile, workers, citizens, and local officials have been successfully running the water company themselves for more than three years via a communal system, favoring *access* not *profit*. The Bolivian experience has given great courage to groups in other countries seeking similar outcomes.

South Africa

To help pay for its transition out of apartheid in 1994, South Africa accepted loans and conditions from the World Bank and the IMF, which "advised" the privatization of the country's water. The resultant price increases led to 10 million households having their water cut off in 2001 alone. Millions of poor township dwellers had little choice but to use untreated river water for their needs, bringing cholera outbreaks affecting more than 140,000 people. A powerful peoples' movement, the Anti-Privatization Forum, is now demanding an end to privatization and the return to guaranteed water for all.

India

Three communities in India—Kerala, Maharashtra, and Uttar Pradesh—are experiencing severe water shortages as a result of Coca-Cola's overexploitation of common groundwater resources around its facilities. Coca-Cola is also dumping wastewater into the ground, polluting the scarce water that remains. Villagers are left without adequate water for farming and drinking and must seek water from miles away. In Sivagangai, Tamil Nadu, residents are organizing to stop a proposed Coca-Cola facility based on the experiences of villagers in other regions. Thousands of people across India argue that Coca-Cola has proven itself an unfit neighbor that should leave the country.

Canada

Rich in water resources, Canada was one of the first countries to face a direct challenge to its rights to control its own water based on a corporation using a rule from a trade agreement. In 1998, Sun Belt Water Inc. gained a contract to export large quantities of water from British Columbia to California. The citizens of B.C. protested, however, launching a successful campaign to ban the export of bulk water from their province. Stopped at the provincial level, Sun Belt has sought recourse in NAFTA using the infamous "Chapter 11" investment code-protections of the agreement. If Sun Belt wins, either B.C. will have to reverse the ban or the government of Canada will have to pay the company $220 million for the right to protect its own water. Later, in July 2003, the citizens of Vancouver forced their government to scrap a planned privatization of Vancouver's water system.

United States

Eighty-five percent of the water systems in the United States are still publicly owned and operated. Global water corporations hope to change this

equation. They are enticing financially strapped cities with promises of reduced costs and increased services. A few have succumbed. However, the U.S. movement against privatization is growing, working directly with activists around the world who have fought these same corporations. A recent example is the success story of Stockton, California. In January 2004, a judge ordered the city of Stockton to rescind its water privatization contract with OMI-Thames after concerned citizens, armed with proof of the devastating impacts of water privatization globally, brought a lawsuit. The judge ruled that the city violated California's Environmental Quality Act by not conducting an environmental review of the risks of water privatization.

The global resistance is growing. In January 2004, in New Delhi, Vandana Shiva, together with the Polaris Institute, Council of Canadians, and Public Citizen, co-hosted a meeting of activists from sixty-three countries. The meeting launched the Peoples' World Water Movement, an international collaboration "to stop the theft of the world's water." Participants pledged to build international solidarity around water struggles and to create a framework for action, including (1) the guiding principle that "water is life"; (2) the reaffirmation of water as a fundamental human right and the development of an international convention on freshwater at the U.N.; (3) resistance to the corporate takeover of public water commons on a for-profit basis; (4) campaigns to stop the theft of groundwater by corporations and to reject global trade rules that encourage corporate water takings from communities; (5) increasing public opposition to destructive dams and river diversion projects; and (6) empowerment of local communities to develop and employ locally appropriate methods of sustainable water management and develop water stewardship as an alternative to the commercial destruction of the freshwater commons.

THREATS TO THE GENETIC COMMONS

Another commons that few people ever thought could be subject to privatization and development is the genetic commons—the vast building blocks of all life on earth. Yet this too is now subject to reinvention through genetic engineering and transformed into patentable commodities.

The late David Brower of Earth Island Institute once called the genetic commons "the last untapped wilderness on earth," but that is no longer true. Like our great forests, the genetic commons are on the verge of rampant commercial intervention. In some areas, like agriculture, the process is well under way. Third World agriculture activists call it *biopiracy.* (See Box N.)

According to Andrew Kimbrell of the International Center for Technology Assessment, "Corporations are now scouring the globe seeking valuable plant, animal, and human genes that they can claim as their own private property, as if they invented them. Thousands of gene patents have already been given to corporations, which are now able to patent whole life forms and own them."

Most of this activity falls within the life science industries. Corporations like Monsanto, Novartis, Du Pont, Pioneer, and others have benefited enormously from the WTO's TRIPs agreement, which confirms their ability to patent plant and seed varieties according to their genetic makeup. Even though these varieties were developed over centuries by indigenous farming communities that shared them with one another freely in a process that is at the core of these cultures, now fees must be paid to use them.

Global corporations insist that this valuable genetic material should not be locked up by small communities but that the whole world should have access to it. Indeed, corporations use the language of the global commons until such time as they confirm their monopoly patents on the material. At that point, all arguments in defense of the commons are abandoned. Instead, the corporations then argue that *they* should be permitted to lock up these genetic materials through patents in order to have a chance of recouping their research investment—for the benefit of all humanity.

Pharmaceutical corporations are especially eager for access and the rights to patent genetic materials. Their representatives travel the globe, exploring traditional native remedies in jungles and fields. They also extract blood and scrape "buccal mucosa" from the skin of native peoples wherever they can, hoping to find genes that contain natural resistance to certain maladies. Usually they accomplish this without disclosing why they are doing it or how much profit they stand to make from their findings and their patents. Among indigenous peoples, the right of "free and prior informed consent" has now become a major international demand before governments can bring in development projects and before companies are permitted to enter.

The cynicism of such practices became especially clear when global

pharmaceutical corporations refused to set aside the rules of the WTO's TRIPs agreement in South Africa to permit low-cost, locally developed AIDS drugs to be substituted for the expensive patented varieties they controlled. Only after intense global protest did the patent holders agree to lower prices for AIDS victims there. But the TRIPs rules remain in force for all other instances.

The authors of this document believe that seeds, medicines, and other genetic materials that have been developed in communities for centuries or millennia should always be subject to community control. Any agreement with outsiders to use these materials must be on the basis of fair and equal negotiations on a case-by-case basis, after full discussion of all the relevant facts.

BOX N: FROM COMMONS TO CORPORATE PATENTS ON LIFE

By Vandana Shiva, Research Foundation for Science, Technology, and Ecology

During the Uruguay Round negotiations of the GATT, the United States succeeded in forcing its own patent system onto the world through the WTO. U.S. corporations had a major role, having drafted and lobbied on behalf of the Trade-Related Intellectual Property Rights agreement (TRIPs). As a Monsanto spokesman said about the lobbying effort, "The industries and traders of world commerce have played simultaneously the role of patients, diagnosticians, and prescribing physicians."

TRIPs not only made U.S.-style IPR laws global, but also removed critical ethical and moral boundaries by including life forms and biodiversity into patentable subject matter. Living organisms and life forms that are self-creating were thus redefined as if they were machines and artifacts made and invented by the patentee, despite the fact that the corporations made only minor modifications in their labs—just enough to redefine them as "inventions." Intellectual property rights laws and patents then give the patent holder a monopolistic right to prevent others from making, using, or selling these "inventions" even if the seeds were originally developed by local farmers. Seed saving by farmers had thus been redefined from a sacred duty to a criminal offence: stealing corporate "property." And all practices of sui generis ownership of seeds and other forms of local biodiversity were directly undermined. Article 27.3(b) of the TRIPs agreement, which relates to patents on living resources, was basically estab-

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BOX N: CONTINUED

lished by the life sciences companies to confirm themselves as "lords of life."

Life science corporations now claim patents on genes, plants, animals, and seeds. Ciba Geigy and Sandoz have combined to form Novartis; Hoechst has joined with Rhone Poulenc to form Aventis; Zeneca has merged with Astia; Du Pont has bought up Pioneer Hi-Bred; and Monsanto now owns Cargill seeds, DeKalb, Calgene, Agracetus, Delta and Pine Land, Holden, and Asgrow. Eighty percent of all genetically engineered seeds planted are Monsanto's intellectual property. Monsanto also owns broad species patents on cotton, mustard, and soybeans—crops that were not invented or created by Monsanto but that have evolved over centuries of innovation by farmers of India and East Asia working in close partnership with the biodiversity of nature.

This process of patenting life forms is truly perverse, in many ways:

Ethical perversion: Current IPR laws permit the claim that seeds, plants, sheep, cows, or human cell lines can be classified as "products of the mind" created by Monsanto, Novartis, Ian Wilmut, or PPL. This ignores that living organisms have their intrinsic self- organization; they make themselves, and hence cannot logically be reduced to the status of inventions and creations of patent holders. They cannot be owned as private property because they are our ecological kin, not just genetic mines.

Criminalization of saving and sharing seeds: Recognizing corporations as owners of seed through intellectual property rights converts farmers into thieves when they save seeds or share with neighbors. Monsanto actually hires detectives to chase farmers who might be engaging in such theft and bring them to court.

Encouragement of biopiracy: Biopiracy is the term the South now uses for the theft of biodiversity and indigenous knowledge through these patents. It deprives the South in three ways:

- It creates a false claim to novelty and invention, even when the knowledge has actually evolved since ancient times. Biopiracy is intellectual theft, robbing Third World people of their creativity and their intellectual resources.
- It diverts scarce biological resources to monopoly control of corporations, depriving local communities and indigenous practitioners. Biopiracy is resource theft from the poorest two-thirds of humanity, who depend on biodiversity for their livelihoods and basic needs.
- It creates market monopolies, excluding the *original* innovators from their rightful share of local, national, and international markets. Instead of preventing this organized economic theft, WTO rules under TRIPs protect the powerful and punish the victims. In a dispute initiated by the United States against India, the WTO forced India to change its patent laws and grant exclusive marketing rights to foreign corporations on the basis of foreign

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BOX N: CONTINUED

patents. Since many of these patents are based on biopiracy, the WTO is in fact promoting piracy through patents.

Over time, the consequences of TRIPs for the South's biodiversity and the Southern people's rights to their diversity will be severe. No one will be able to produce or reproduce patented agricultural, medicinal, or animal products freely; the livelihoods of small producers will be eroded and the poor will be prevented from using their own resources and knowledge to meet basic needs of health and nutrition. Royalties for the use of these patented items will have to be paid to the patentees and unauthorized production will be penalized, thus further increasing the debt burden.

Indian farmers, traditional practitioners, and traders will lose their market share in local, national, and global markets. For example, the U.S. government recently granted a patent for the antidiabetic properties of *karela, jamun,* and *brinjal* to two nonresident Indians, Onkar S. Tomer and Kripanath Borah, and their colleague Peter Gloniski. The use of these substances for control of diabetes has been everyday knowledge and practice in India for ages. Their medical use was documented long ago in authoritative treatises like "The Wealth of India," "The Compendium of Indian Medicinal Plants," and "The Treatise on Indian Medicinal Plants."

If there were only one or two cases of such false claims to corporate invention on the basis of biopiracy, they could be called an error. However, biopiracy is an epidemic. Plant species like *neem, haldi, pepper, harar, bahera, amla, mustard, basmati, ginger, castor, jaramla, amaltas,* and *new karela* and *jamun* have now all been patented. The problem is deep and systemic; it calls for a systemic change, not case-by-case challenges.

Some have suggested that biopiracy happens because Indian knowledge is not documented. That is far from true. Indigenous knowledge in India has been systematically documented, and this in fact has made piracy easier. Even the folk knowledge, spread orally in local communities, deserves to be recognized as collective, cumulative innovation. The ignorance of such knowledge in the United States should not be allowed to convert corporate biopiracy into invention.

The potential costs of biopiracy to the Third World poor are very high because two-thirds of the people in the South depend on free access to biodiversity for their livelihoods and needs. In India, 70 percent of seeds are saved or shared farmers' seed; 70 percent of healing is based on indigenous medicine using local plants. When corporations steal and control those genetic resources through patents, the poor are directly deprived.

SOURCE: Vandana Shiva, "War Against Nature and the People of the South." In Sarah Anderson, ed., *Views from the South: The Effects of Globalization and the WTO on Third World Countries.* San Francisco: International Forum on Globalization, 2000.

THREATS TO COMMUNAL LANDS

In hundreds of cultures around the world, the notion of private, individual land ownership is anathema. Communal land ownership—or no land ownership—is traditional practice and belief among indigenous and farming communities on every continent. This worldview is fundamental to these millions of people, their cultures, their agriculture, and their economic, political, and spiritual practices. In peasant farming communities of South America and Asia and in indigenous communities everywhere, the notion that an individual or corporation could legally gather under its own authority large fruitful tracts of land—thus depriving the people who shared it for millennia—is outrageous beyond all understanding.

Native American activist Winona La Duke has described the land ownership issue among indigenous peoples by pointing out that in her own Ojibway culture, the term *nishnabe akin* means "the land to which the people belong." It is a notion that is the exact opposite of Western ideas about land ownership. It is also at the heart of many teachings about humans and land being in *relationship* with each other, with reciprocal obligations.

In contrast, the new trade agreements and policies of international banks and corporations are designed to delegitimize the authority of any such reciprocal arrangements and to solidify private ownership so that land can be more easily bought and exploited. For example, one of the specific demands of the United States in NAFTA negotiations with Mexico was that Mexico break up the traditional *ejidos* of the Mayan corn farmers, the system of communal land ownership that was established after the successful peasant revolution of the early 1900s that was led by Emiliano Zapata.

The history of the "enclosure" of the commons is largely devoted to the privatization of communal lands throughout the planet. In most places, the process is so far along that it is rarely publicly argued. However, this has begun to change as mass movements like Brazil's landless peasant movement (Landless Workers Movement) and other such movements around the world have demanded dramatic land reforms and redistribution under the principle that land, like water, is basic for sustenance.

PRIVATIZATION OF THE BROADCAST SPECTRUM

The electromagnetic spectrum is another extraordinary gift of nature—wave energy radiating from space and from the earth—an intricate, highly complex part of the earth's ecological web, but one directly affecting the health and evolution of all plant, animal, and human life. Gamma rays, X rays, ultraviolet, infrared, and visible light, short- and long-wave radio and television frequencies, CB radio and telephone, radar signals, microwaves (among many others) all occupy their portion of the spectrum. Only appreciated and understood by science in the last few centuries, EMS surely qualifies as a global commons of a kind, a radiation wilderness, one could say, aspects of which—or their uses—are extensively regulated by individual nation-states. Often regulation is in the interests of serving all people, but in this case it's now in the interests of global corporations.

For our purposes in this document, we are mainly concerned with the frequencies occupied by the *broadcast* spectrum, representing a minor portion of the electromagnetic field: radio and television, the heart of the global communications infrastructure. (Most of the issues relevant to broadcasting, and also the Internet, yet another kind of commons, will be discussed in greater detail in chapter 8, "Alternative Operating Systems (2)." But it is useful to introduce the broadcast spectrum briefly here as well as part of our more comprehensive look at the commons.)

Policies about uses of the broadcast spectrum commons have varied greatly among nations. Some have accepted the broadcast commons as part of their public trust obligation and have given the highest importance to its "public service"—that is, its public education and information capabilities—permitting only a very limited percentage of private commercial ownership. This has been the case in some European countries, notably England, France, and Germany, and the Scandinavian countries, which have emphasized noncommercial and public interest applications. Similar stances have been taken by Canada and New Zealand. In England, France, and Germany, roughly half of radio and television broadcasts are noncommercial/public interest/publicly financed offerings. This is the case despite the huge pressures of the Thatcher-Reagan years to privatize all or most broadcasting.

At the opposite extreme from the European examples have been the appropriation of the entire broadcast commons by dictatorial and one-party governments for their own purposes. This was certainly the case until recently in Eastern Europe and parts of Asia and South America, though most of these are now moving rapidly in the direction of commercialization. Some countries have turned over their entire broadcast spectrum to private commercial enterprise, basically giving up on any meaningful trustee role.

As is the case with many aspects of the commons, the U.S. performance has been mixed. An initial instinct toward democratic and public service uses of broadcasting, going back to the 1920s, lost its momentum in the late twentieth century and is now rapidly in reverse.

The Federal Communications Act of 1934 (FCA) was created ostensibly to bring order to the ever more crowded and static-filled open airwaves of the early broadcast system. The act created the Federal Communications Commission (FCC), which had authority to issue license agreements for specific frequencies. Many groups fought strongly to maintain a highly democratic access to the airwaves, and the 1934 act did stipulate that all licensees must use the public airwaves "to serve the public interest, convenience, and necessity." It also stipulated that ownership of the broadcast frequencies was *not for sale;* the airwaves remained in the public's domain, with the FCC acting as trustee.

(Among the public service standards that later evolved for commercial franchises was the fairness doctrine, which obliged licensees to air both sides of controversial issues—environmental, public health, work standards, and so on. And all broadcasters had to submit to yearly performance reviews proving they had acted in the public interest.)

Regrettably, however, in exchange for these presumably useful broadcast contributions, *U.S. licensees paid nothing at all.* Plus, they were permitted to sell airtime for advertising, and to keep the profits from that. Back in the early 1930s, before television, this surely could not have seemed the spectacular boondoggle that it would later become. Nor was it clear that the power and scale of both the commercial broadcasting industry *and* its sibling, the advertising industry, would eventually become the dominant arbiters of information and culture flow in society, influencing democratic processes and public policy as nothing ever before.

Meanwhile, noncommercial "educational" broadcasters struggled to survive against the steadily increasing powers of commercial interests. They functioned at the margins of the system, in areas of the broadcast spectrum that commercial interests did not yet cover, developing AM broadcasting in the 1920s, and then FM radio and UHF television later on. But as soon as it seemed that money could readily be made from those frequencies, commercial broadcasters used their political powers to seize the reins. Still, in the 1960s, under a liberal democratic regime, Congress finally passed the Public Broadcasting Act of 1967, which led to the creation of the Corporation for Public Broadcasting (CPB), and soon after, the Public Broadcast Service (PBS) and National Public Radio (NPR). But they were severely handicapped from the start.

Unlike some of the public broadcast systems in Europe, such as the BBC, public funding was pathetically weak, so as not to represent true competition for the commercial system. By now, after years of steady cuts, public funding represents only about 10 percent of public broadcast, far less than European counterparts.

Meanwhile, commercial broadcasters were becoming ever more responsive to their blossoming advertising profits, and they pressured successive administrations and congresses to eliminate most regulations, including the fairness doctrine. Broadcasters also pressured for fewer controls on their ability to buy up additional franchises and broadcast outlets in the same market, and other markets around the country. By 1983 about fifty media conglomerates grew to control half of all broadcast media in the United States; by 1993 only twenty firms controlled half the media, and today it's ten. These are mostly the same megacorporations that control about 70 percent of all global media—most notably Time Warner, Disney, and Fox. (Much more about media concentration can be found in chapter 8.)

The passage of the 1996 Telecommunications Act, pushed hard by the Clinton-Gore administration to gain favor with media moguls, and the more recent 2003 rulings by the FCC and by Congress, pushed hard by the Bush-Cheney administration (for the same reasons) have made a bad situation far worse. Media scholar and activist Robert McChesney of the University of Illinois calls the 1996 act "one of the most important federal laws of this generation," made even more remarkable, albeit predictable, by the fact that the corporate media, strongly in support, scarcely reported the issue at all, except in the back of the business pages. "The overarching purpose of the 1996 Telecommunications Act," says McChesney, was "to deregulate all communication industries and to permit the market, not public policy, to determine the course of the information highway and the communications systems." The combination of the 1996 act and the 2003 FCC rulings have made it possible for already giant media corporations to vastly expand their franchises, locally and nationally, so that one company can utterly dominate local markets while reaching up to 50 percent of the total U.S. audience, and with minimal fear of any regulatory controls. So licenses originally obtained for nothing to operate the public airwaves have now obtained value in the *billions* of dollars.

Thus, although the airwaves were originally codified as a public commons they have now been nearly totally privatized in the United States. Even public broadcast institutions like PBS are virtually privatized because federal funding has been so diminished that the only option has been to turn to private corporations for funding. So we now see real commercials playing on these "public" channels. Meanwhile, the public trust and caretaker role of the FCC has largely been abandoned. Though the people still technically *own* the airwaves, the trustee is clearly squandering the public's interest.

The net result has been a substantial homogenization and narrowing of political and cultural perspectives offered by media and received by the public, a general trivialization of program content—a "dumbing down," as it were—and a laissez-faire attitude on the part of the "trustee" except when the occasional naked breast might flash on the screen. That is about the only time the FCC steps in to "protect" the public.

The situation in the United States differs from that in most other countries, which have taken the trust obligation toward the broadcast commons more seriously. However, all countries now face very accelerated efforts within the World Trade Organization to smooth out all variations and to apply pressures toward privatization that are nearly uniform and total. For example, if successful, negotiations in the General Agreement on Trade in Services (GATS) within the WTO will make it far more difficult for any nation to make effective rules slowing down foreign investment by gigantic global media corporations who buy up local and national broadcasters, as well as any rules that reserve parts of the spectrum for noncommercial, publicly funded broadcasting, wherever that still exists. In fact, under new rules of the WTO, such public funding of public service outlets may soon be categorized as "illegal subsidies," or "unfair trade practices," and banned. PBS and NPR, for whatever one feels they are worth, might lose their remaining protection as broadcast channels designed to serve the public interest or prevent further commercialization. The same could soon happen to public broadcasting in all countries. And a world where only eight corporations already control the great majority of all broadcasting, and other media, may see even further centralized control of information. (We will come back to this subject in chapter 8.)

APPROPRIATION OF THE GLOBAL COMMONS FOR WASTE SINKS

Ownership and privatization are not the only threats to the commons. There is also the effective appropriation of particular global commons as free dumping grounds and waste sinks for the activity of global corporations.

The atmosphere, oceans, and even outer space have become dangerously polluted, freely appropriated by oil, energy, shipping, and toxic industries as convenient sites to dump effluents and wastes. In the case of automobiles, ships, and the fossil fuel industry, it is an intrinsic result of the technologies that effluents rise to the atmosphere.

When similar pollution takes place in a local commons or inside national borders—say, local smokestack emissions or runoff into rivers—government agencies exist specifically to try to do something about it. This is not to say these agencies do a good job of regulating such activity—often they do not—but at least they offer an authority to address the matter and a place where citizens may focus their complaints.

When it comes to the global commons, however, few such agencies exist. There have been some efforts over the last half-century to apply some pollution regulations. The Kyoto Protocol on Global Warming, the Montreal Protocol on Substances That Deplete the Ozone Layer, the United Nations Convention on the Law of the Sea, the Stockholm Convention on Persistent Organic Pollutants agreement, among other multilateral environment agreements (MEAs), are efforts to control impacts on global commons. But all have suffered from tremendous political resistance, weak regulatory regimes, and poor enforcement ability. Still, MEAs remain one hope for rational international recognition, on a case-by-case basis, of the collective rights to maintain the commons in a condition that serves all people and the planet's other species.

An important problem, however, is that when such agreements do begin to make progress in limiting corporate activity, the World Trade Organization can threaten to negate them by asserting its own superior authority on behalf of the primacy of global trade activity. For example, at the November 2001 WTO ministerial meeting in Doha, Qatar, the WTO made explicit its intentions to codify its superiority to MEAs, potentially wiping out generations of effort.

Other solutions to the problem have also been proposed. They include a variety of trust agreements where certain commons would be held as the explicit property of all people in trust for the future. Any encroachments would have to go through very complex permission procedures, thus at least slowing and making visible the problems before they occur.

Sadly, there are hundreds of examples of threats to the commons of the kind we have given here. All reflect increased global pressure on remaining pristine areas. Fortunately, however, there is also increased popular resistance to these encroachments. New methods and instruments must be found or created to prevent continued destruction.

The Tradition of the Commons

In most parts of the world, the tradition of the commons is ages old, though it varies from place to place and culture to culture. These are a few examples.

EUROPE

In Europe, the concept of the commons dates back at least fifteen hundred years. It referred to commonly shared areas of land and resources enjoyed by all members of village communities, including pasture for the grazing of animals, water from streams and lakes, and all the products of field and forest that people used to sustain their lives.

In some parts of Europe, concepts of the commons were formally

codified. The most remarkable example goes back to the Roman Doctrine of the Public Trust, codified in 529 A.D. as Codex Justinianus, after the emperor of that period, who said: "By the laws of nature these things are common to all mankind: the air, running water, the sea and consequently the shores of the sea."

The public trust doctrine was applied in many instances over the next millennium and a half, and still emerges as "common law" in specific cases throughout Europe and elsewhere, most recently in Hawaii. (There, a case of the rights of indigenous people to free-flowing water was decided in favor of the natives, using the public trust doctrine as the basis for the suit.)

According to San Francisco scholar and journalist Mark Dowie, the doctrine "waxed and waned depending on the political climate" in Europe. Though feudal lords and kings sometimes used military force to appropriate village pastures and water from lakes and streams, there were also numerous cases of "liberal noblemen" who applied the public trust doctrine to lands, woods, and fields for use by serfs and commoners.

In the eleventh century, a French law decreed that "the public highways and byways—running water and springs, meadows and pastures, forests, heaths, and rocks are not to be held by Lords; nor are they to be maintained in any other ways than that their people may always be able to use them." Centuries later, according to Dowie, King Alfonzo X of Spain added harbors to the preceding list of public domains. In 1225, in England, the Justinian doctrine was recodified in the Magna Carta and forced upon King John after his defeat at Runnymede. The treaty stipulated that no king could grant private hunting and fishing rights to favored earls and dukes, cutting off the commons from people who relied on them for their livelihood. "The fences and weirs that had been built to keep riffraff out of the rivers and forests were torn down and the English commons provided sustenance to all commoners" for centuries thereafter, writes Dowie.

As late as the seventeenth century, colonial powers in North and Meso America adopted varieties of English, French, and Spanish doctrines of the public trust as the common law of their colonies. And the idea was maintained in the original thirteen American colonies, "which granted state governments sovereign rights to common land and sovereign responsibility for its care," according to Dowie. Some states wrote a form of the ancient code directly into their constitutions. For example, the following is from the Pennsylvania state constitution, which still exists:

> The people have a right to clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Three other states created similar constitutions, and even now call themselves "commonwealths"—Massachusetts, Virginia, and Kentucky—using language similar to the European codes.

Nonetheless, in parts of feudal Europe, the commons generally deteriorated over time. As trade developed between regions, and especially with the rise of a large Europe-wide market for wool, many lords and merchants sought to ensure and expand their own supply by privatizing more and more of the common areas, most importantly land. As they succeeded in enclosing ever larger areas, peasant communities began to lose access to resources they had previously taken for granted. Self-sustainability became more difficult. Rather than remaining as subsistence farmers who also traded in local markets, peasants increasingly became "cottagers"—small artisanal producers—or sought day labor jobs with large landowners whose lands they had formerly shared.

The Enclosure Act in early nineteenth-century England for the first time made the hunting and gathering of food from the commons illegal, as private property rights took precedence. Millions of subsistence farmers were also removed from their lands. And with the Industrial Revolution cottage industries also declined, so people had little choice but to become factory workers with no connection to the land anymore. Thus, peasants evolved into proletariat.

Some mainstream economists have justified and praised this conversion of the commons to private property as a way of establishing clear ownership and therefore the ability to protect resources from exploitation. But this justification for what was essentially robbery of shared common resources ignores two important facts. First, the people whose lives depended on the commons were almost always excellent caretakers of it and remained so over many centuries. In fact, it was basic to the survival and success of the commons that the entire community shared its values as well as its sustaining

virtues and helped protect and preserve it. Second, the people who enclosed the commons, appropriating it for private use, were nearly always outsiders, absentee owners with little personal dedication to nurturing, conserving, or taking care of these resources for the future. The reason they sought private ownership was to exploit the resources as fast as possible. They did not try to own it in order to save it, the assertion of mainstream economists notwithstanding. Rather, they usually pillaged and polluted it.

With the advent of corporate ownership and rights of private property, ownership was made still more abstract or removed from resources, which were increasingly understood only in quantifiable, objective terms. Forests, for example, were no longer appreciated for their community sustainability, the biodiversity they fostered, or their spiritual contexts. Instead, they became "board-feet," ripe for exploitation. That is certainly the situation we face today, in its most amplified form.

INDIGENOUS COMMUNITIES

In other parts of the world terms like *commons* were not well known, but the concepts of shared community use and protection of common resources are basic, endemic, understood, and respected by entire societies.

Among indigenous peoples around the world, virtually all political, social, and spiritual values have traditionally been so deeply intertwined with the values and teachings of the natural world that these societies say they are inseparable. It is not really a question of a community commons, as understood by the Europeans. It is more that all creatures—human as well as plant and animal—are directly related, equal, and with equal rights to exist in a fulfilling manner. All economic, political, and spiritual teachings are rooted in that primary relationship.

It is little wonder, therefore, that invading societies—at least those that did not actually slaughter the native populations—made enormous efforts to undermine and destroy their commitment to their traditional relationships to land and nature. That was the only way they could succeed in getting their hands on the resources they desired. (See also Box L, page 89.)

Native peoples were pushed to separate from their lands in hundreds of different ways. Primary among these efforts was the aggressive attempt to undermine traditional religious values and cosmologies as well as traditional native stories and teachings about the need to live in harmony with, and as part of, nature. The actions of missionaries throughout the Americas, the Pacific Islands, and Africa are well known in this context. They actively helped shift the traditional value system toward a new and more hierarchical view of humans and nature and toward the individualistic notion of private property. In the United States, Australia, and elsewhere, "reeducation" also played an important role—that is, young people were forcibly removed from their traditional communities and placed into boarding schools that did not allow native languages or teachings. The result was a kind of self-loathing that undermined native cultures and their traditional collective economic values.

Equally important were legal maneuvers, such as requiring adjudicatory land title. Since native societies did not traditionally conceive of themselves as "owners" of land but as part of it as a community, "title" and "ownership" of land were an absurdity, but one which they were required to address. The histories of the relationships between invading and native societies are replete with stories of how legalistic maneuvering succeeded in separating Indians from millions of acres of land they had formerly enjoyed in a collective manner. These acts of removal and separation continue to this day, notably in the United States.

One particularly appalling recent example is the U.S. Congress's creation of the Alaska Native Claims Settlement Act (ANCSA), purported to be a guarantor of native land rights in Alaska, where these rights had never been abrogated. In fact, ANCSA was the final step in extinguishing the native relationship and rights to enjoy the lands in the traditional manner. Rather than Native Alaskans being granted title, or simply granted recognition of "aboriginal rights of ownership" as requested, the Alaskan lands were divided and made into native corporations, managed by native boards of directors, who were given ownership of the lands. But in order to survive, these corporations needed to cut down their forests or exploit their minerals just as any corporation would. These corporate acts, albeit carried out by natives, were contrary to their prior indigenous values. So for the larger society, the desired outcome was achieved: the communal relationship to nature was removed and replaced by an exploitative one, thus providing new fodder for global corporations.

The global invasion of communally held native lands—which has happened on every continent and continues today—has had terrible outcomes,

from destruction of the traditional reciprocal relationship between humans and nature to major social breakdowns.

The conflict of values endemic to these pressures over ownership of common lands and resources was very well described in the pamphlet *A Basic Call to Consciousness*, published in 1978 by the Iroquois Nation (the Hau de no sau nee), in a submission to the U.N. Conference on Indigenous Peoples. Here are some short excerpts:

> The majority of the world does not find its roots in Western culture or tradition. The majority of the world finds its roots in the natural world, and it is the natural world, and the tradition of the natural world, which must prevail.
>
> . . .
>
> The original instructions direct that we are to express a great respect, an affection, and gratitude toward all the spirits which create and support life. When people cease to respect and express gratitude for these many things, then all life will be destroyed.
>
> . . .
>
> To this day the territories we still hold are filled with trees, animals, and the other gifts from the Creation. In these places we still receive our nourishment from our Mother Earth. Many thousands of years ago, all the people of the world believed in the same way of life, that of harmony with the universe. [But] the way of life known as Western Civilization is on a death path on which their own culture has no viable answers.
>
> . . .
>
> The Indo-European people who have colonized our lands have shown very little respect for the things that create and support life. We believe that these people ceased their respect for the world a long time ago. The air is foul, the waters poisoned, the trees dying, the animals disappearing. Even the systems of weather are changing. Our ancient teachings warned us that if Man interfered with the natural laws, these things would come to be.
>
> . . .
>
> The traditional native people hold the key to the reversal of the processes in Western Civilization. Our culture is among the most ancient continuously existing cultures in the world. We are the spiritual guardians of this place. We are here to impart this message.

ASIA

Traditional societies everywhere on the planet share values similar to the ones expressed by the North American Iroquois leadership. Concepts like

Mother Earth combined with belief in nonhierarchical, nonownership-based, communal relationships to field and forest can be found among all peoples who still live in a direct relationship with the earth.

Most people in India today still derive their livelihoods and meet their survival needs from the biological resources of the country, as forest dwellers, farmers, fisherfolk, healers, and livestock owners. Indigenous knowledge systems in medicine, agriculture, and fisheries are the primary basis for meeting their food, health, and cultural needs. In these traditional communities, the biodiversity of the forests and fields and the historic innovations of plant life for food and medicinal purposes have never been seen as the individual property of any person or family but as community resources available to all people. None can be excluded, and neither the state nor any other economically powerful entity can monopolize use of any aspect of the commons, biologically or intellectually.

There is a vibrant struggle in India today over the commons—not only the biological commons (land, forests, water) that have been the basis of sustainability for a great majority of India's population to the present time but also the *intellectual commons.* This refers to the cumulative knowledge that agricultural communities have collected and freely shared for centuries, as well as the innovations they have achieved in developing plant varieties for food and medicine. Global biotech and pharmaceutical companies have been aggressively patenting these examples of the intellectual commons, preventing their common use, and privatizing them for their own purposes. This invasion has led to a level of outrage on the part of India's farmers, indigenous people, and peasant communities that has brought literally millions of people onto the streets in protest against the World Trade Organization's TRIPs agreement, which protects the rights of corporations to engage in these practices.

Community rights to control the biological and intellectual commons are recognized in law as sui generis rights—equivalent to a patent, but recognizing roots in a community rather than an individual. This system is based in part on usufruct rights, which entitle farmers and laborers access to resources needed for their own sustenance, such as common pastures, water, and biodiversity. Sustainability and justice are inherent in such a system of usufruct rights because there are physical limits on how much any one person can labor; hence, there are limited returns for labor, unlike capital and private property.

The battle over the biological and intellectual rights of farmers in India, and against the WTO's TRIPs agreement, comes at the end of a long and painful history of prior enclosures of the commons in India. The policy of deforestation and enclosure of the commons in India began in 1865, when the Indian Forest Act authorized the government to declare forests as "unmeasured" lands or "reserves" for state use. This began what was called the scientific management of forests, but it was really the first step in a long series of moves to separate forests from people and convert them to commodities available for private ownership. Peasant communities that had formerly sustained themselves based on the forests' resources were forced to produce indigo instead of food and pay taxes for salt. They experienced the rapid erosion of their usufruct rights to food, fuel, and livestock pastures, as well as forests and sacred sites. This was a primary cause of their later impoverishment, which led directly to their resistance to further erosion of their common rights by global biotech corporations.

Threats to the Modern Commons

In most developed countries, it is hard to remember the time when the central political and economic unit was the local community or when resources were commonly shared. Over the past several centuries, political, economic, and technological evolution in much of the world has conspired to bring far more specialization and industrialization of economic activity, far less economic and social self-reliance, and far greater dependence on dominant centralized political units—cities, states, provinces, and national governments—to provide for the common fundamental needs and services that people require, such as education, transportation, health care, environmental protection, security, and the certainty that there will be sufficient food, housing, and work.

All governments now acknowledge their responsibility in these matters, though they perform them with varying levels of success. Canadians and Danes tend to believe their governments have performed well, at least until recently, whereas Russians and Burmese may not feel this way. Most governments get mixed grades on these matters—good in some ways, bad in others. The United States, for example, has kept its economic and sanitation performance generally high but has been very poor in matters of health care and transportation, and its delivery of these services is marked by extreme inequality. Maude Barlow's book, *Profit Is Not the Cure*, details the impact of the World Bank, the IMF, the WTO, and their market-opening policies on the erosion of health care services all over the world, and she chronicles the private sector firms that have benefited. Two decades of these policies have left a legacy of unequal access and health crises for the poor worldwide.

The United Nations Universal Declaration of Human Rights asserts that in addition to the services that nations are expected to perform, governments are also expected to ensure certain basic human rights, religious and political freedoms, and the right to *meaningful* work at fair wages with human dignity. In fact, the U.N. declaration asserts that every person on the planet has an "inherited right to citizenship," which includes health care, education, and work. Moreover, every government has the duty to *defend* the fundamental human rights of every one of its citizens, even beyond its borders. Such assertions also imply that governments have the duty to protect their own ability to perform these services and ensure these fundamental rights against attempts to weaken them.

The authors of this report believe that these services and protections qualify as a kind of "modern commons," in which the state has assumed the responsibility for the common good that once resided in local communities. Even as more power devolves back toward the local—an outcome most of us support—we believe that states have a vital role to play in protecting the community stewardship of both traditional and modern commons. The performance of these responsibilities, however, is now under tremendous threat from global economic institutions.

Great pressure is being applied to national governments by corporations and global bureaucracies to privatize and commodify most public services. Global corporations seek to put them in the same category of commercial activity as toothpaste, cars, real estate services, or movies, provided by private industry at market rates.

Yet there are profound differences between the sacred trust arrangement of governments to provide for basic needs and rights and the private, contracted provision of products, entertainment, and commercial services. Corporations operate from a hierarchy of values that requires profit and growth. Yet as corporations make inroads as providers of health, education, water, or food security, the delivery of these services will go only to people who can pay the market rate. The many who cannot will essentially fall out of the system. *Hence, we would argue that any acts that separate governments from their obligation to provide for all people regardless of economic status are to be prevented.*

Similarly, any efforts by global bureaucracies to *require* that governments privatize such services should be resisted by governments and activists alike—and ultimately banned. At this moment, the current WTO negotiations in Geneva over the expansion of the General Agreement on Trade in Services (GATS) are a case in point.

If the GATS agreement is finalized, then most of the services we have listed here as fundamental rights of citizens and obligations of governments will be subsumed under the new rules of GATS. In other words, corporations will have the right to establish a commercial presence and operate what have until now been domestic services inside countries. These include health care, elder care, child care, water purification and delivery, education, prisons, domestic rail and air transportation, public broadcasting, parks, museums and cultural institutions, social security and welfare programs, and public works of all kinds. As mentioned in chapter 2, the United States or Canada might find ExxonMobil running public broadcasting while Mitsubishi runs social security; France might have Disney operating the Louvre; Enron or WorldCom could be running the German health care system; and Shell Oil could be in charge of the Japanese railroads and perhaps child rearing as well. Such outcomes are not unrealistic: as we already mentioned, U.S. giant Bechtel was on the verge of running a significant piece of Bolivia's water delivery system until recently, nearly causing a revolution because of its prices to the poor.

The U.N. Covenant on Economic, Social, and Cultural Rights includes the right to education and health. Of all services, these are shaping up as the most potentially lucrative for the global corporations pushing the GATS agreement. Global expenditures on education now exceed $2 trillion, and global expenditures on health care exceed $3.5 trillion. Global corporations are aiming at nothing less than the dismantling of public education and health care systems. Already they have succeeded in lobbying over forty countries, including all of Europe, to be listed in the GATS.

The obligation of governments to provide services for their citizens may soon be reduced to whether some distant corporation will or will not charge an affordable rate for people to send their children to school or to a doctor.

In our view, no global agreement should have the power to forcibly intervene in the trust agreement between governments and citizens.

Of course, there are many other threats to basic social programs and services and basic rights to food and health, aside from the upcoming GATS agreement. In chapter 2 we discussed the structural adjustment programs of the World Bank and the International Monetary Fund. To be eligible for development loans or debt relief, dozens of developing countries were forced to abandon a multitude of social programs and allow for-profit foreign corporations to enter, commercialize, and privatize these operations to the detriment of local people.

We have also discussed the WTO's TRIPs agreement, which enables global corporations to claim intellectual property rights over the genetic heritage of people and communities and to redefine the role and form of agriculture. Farming and the community way of life it has sustained are becoming dominated by global corporations that have rendered farmers dependent on them for seeds, fertilizers, pesticides, and herbicides. Structural adjustment programs have also played a big role in this shift in agriculture, requiring nations to convert their farms to export-oriented, specialized production and permit entry of global corporations that accelerate the process. This has driven farmers off lands where they formerly grew food for their communities and has increased hunger and migration.

Because food security is one of the most fundamental human rights, every government has an interest in ensuring it as an essential foundation for social stability and public health. We believe this means that no development banks or trade agreements should be given the right to *require* that any country revamp its agricultural production systems, allow foreign entry and investment, or open itself to cheaper food from abroad to its own detriment. Of course, any country may choose to allow such entry if conditions warrant, but it should not to be *forced* to do so.

Cultural diversity and integrity is another area that can be seen as part of the commons and is arguably a fundamental right that should be protected by nations. It too is now threatened in many ways by global trade agreements. The right of social, religious, cultural, and indigenous groups to preserve their practices, beliefs, artifacts, and artistic expressions is crucial to maintaining diversity within and among nations and in the world. This also applies to the efforts of nation-states to prevent foreign domination of their own national cultural expressions, through media and artistic creations. Many countries, notably Canada and France—both deeply concerned about retaining film and television industries in domestic hands—have been fighting strenuously to retain their rights to protect their own cultures.

Current WTO trade law subjects culture to the disciplines of the agreement, including "national treatment," "most favored nation," and the prohibition against quantitative restrictions. (All of these WTO rules open up countries to foreign media and other cultural products, often to the detriment of local cultural expressions, which can be overpowered.) There have been several complaints over culture at the WTO since its inception. All have had the effect of limiting the right of a state to protect its cultural industries. The most significant was a 1997 ruling in which the United States successfully forced Canada to abandon protections of its magazine industry, even though American magazines already made up 85 percent of all of those available at Canadian newsstands. Then–U.S. trade representative Charlene Barshefsky said the decision would serve as a useful weapon against Canada's and other countries' protection of their film, books, and broadcasting industries. (See Box M in chapter 4.)

The United States is taking such a hard line because any exemption for Canada would set a negative precedent for other countries, especially in the developing world, where cultural protection is an emerging issue. The fact that the effort to undermine these protections failed at the Seattle WTO ministerial meetings does not mean the problems are over. Both the GATS and the TRIPs agreement will have a direct impact on the telecommunications sector, including the Internet, digital and e-commerce spheres, public broadcasting, patents, trademarks, and copyright law. All are now on the table. They should be taken off.

In sum, we argue that in all of the preceding issues, nation-states and communities should not be subjected to the rules of global trade agreements or multilateral institutions like the WTO or the IMF. Trade in these areas should be subject to national and local decision-making processes alone. Only in this way will it be possible for nations to act on behalf of the common interests of their citizens and to fulfill their own obligations to them.

Three Proposals to Reempower the Commons

Businessman Peter Barnes, former president of Working Assets, Inc., and now a director of the Tomales Bay Institute in California, likens the commons to "the dark matter of the universe. It's everywhere, but we don't see it. The only economic matter we see is the kind that glistens with dollar signs."

In other words, those aspects of nature or ordinary life that still function as commons—running freshwater, the atmosphere, the public market, biodiversity, the oceans, and the Internet—mostly do not enter into economic calculations, although corporations and global bureaucracies are pushing hard to be sure that they soon do, via privatization and enclosure.

According to Barnes, "The great challenge for the twenty-first century is, first of all, to make the commons visible; second, to give it proper reverence; and third, to translate that reverence into publicly owned property rights and legal institutions that are on a par with private property." At least.

So the central idea is to graduate the powers of the public commons at least to a balanced position with those of the marketplace and then devise strategies to strengthen further its importance, viability, and systems of preservation.

In this section, we offer proposals in three areas where there is work being done to improve the equation between the powers of the private and those of the public commons. The first proposal is to diminish the power grab over the commons and the authority of the global trade and finance bodies; the second is to increase the authority of the multilateral environment agreements and the international bodies that act on behalf of the commons; and the third—where we will hear further from Barnes—is to examine and strengthen some trust arrangements that might effectively protect the commons, and add power to its authority.

The proposals follow.

I. REVERSE THE POWERS OF GLOBAL TRADE BODIES OVER THE COMMONS AND EXCLUDE CERTAIN ASPECTS OF THE COMMONS FROM THE TRADING SYSTEM

Global trade bodies now have an immense and increasing role in accelerating the invasion of the nonmonetized, nonprivatized commons. We have mentioned the impending rules of the General Agreement on Trade in Services (GATS), which undermine the ability of nation-states to protect modern-commons services: water delivery, public broadcasting, education, welfare, culture, even security and military systems. All may be deprived of their present level of public trust protection, or stewardship laws, and placed under private control. A *second* factor is the emerging investment rules of the WTO, which will increase the ability of global corporations to enter countries freely and seize financial control and management of local or national commons.

A third set of factors are the policies of the World Bank and International Monetary Fund's structural adjustment programs, which often require that governments privatize services and local public commons as conditions for loans. And a fourth problem is the recent assertion by the WTO of its supremacy over multilateral environment agreements (MEAs), such as the Kyoto Protocol and the Convention on Biological Diversity, requiring that such agreements to protect the global commons conform to corporate-oriented trade rules. (MEAs will be discussed in the next item.)

The following ideas and proposals suggest effective mechanisms and rules to diminish the global bureaucracies' powers over the commons and suggest areas of the commons that must remain outside the global trading system.

The Authority of Trade Agreements Must Be Narrowly Defined

Global trade bureaucracies and international financial agencies should not have authority over state or national decision making when it comes to the commons, natural heritage resources, the preservation of national choice in domestic services, or fundamental human rights. Trade and investment agreements should not be allowed to require a national or state government to privatize or commercialize remaining areas of the commons or public services or to force countries to open up these areas to foreign investment and competition either by imposing rules requiring governments to conform or penalizing them for not doing so.

Decisions on Common Property Resources and Public Services Should Be Local or National

Decisions about common property resources and public services should be reserved to the localities and nations involved, consistent with the principle of subsidiarity (see chapter 6). Local commons are the province of local communities. National commons should be subject to national democratic decision-making processes. Global commons should be addressed by multilateral agreements on issues of sustainability and equitable access. No commons—whether local, national, or global—are the proper subject of a multilateral trade agreement. Decisions about the ownership, control, and operation of fundamental public services—including health care and hospitals, water management and delivery, natural resource use, education, transportation, public broadcasting, agriculture and food security, culture, social security, welfare, military, police, and jails—should be specifically excluded from multilateral trade and investment agreements.

Some nations and communities may determine that it is in their public interest to contract for private operation of some of these resources and public services. Indeed, there is sometimes a role for private ownership and markets to play in the management, allocation, and delivery of certain common heritage resources—including land, seeds, and water—but only in a framework of effective, democratically accountable public regulation that guarantees fair pricing, equitable access, quality, and public stewardship. However, decisions in these matters are properly local or national and have no place being prescribed by global trade and investment regimes concerned only with advancing private commercial interests. Nor is it acceptable for any international agreement to dictate actions by local or national jurisdictions that would result in excluding individuals or communities from equitable access to services and resources, such as clean water, that are essential to life and health.

Things Fundamental to Life and Human Survival Should Not Be Privatized or Monopolized

Certain aspects of the commons that are basic to survival should not be privatized or subject to trade agreements. These include the atmosphere, bulk freshwater, and the genetic and molecular building blocks of life (including the human genome). It may be permissible to patent truly distinctive seed varieties created by privately funded research, for a limited period of time, but the patenting of naturally occurring seeds or seed varieties developed by farming communities or by publicly funded research should not be allowed.

Some Aspects of Life Should Not Be Patented or Otherwise Monopolized

Here we include some areas of life that *are* now partly privatized and traded but should never be subject to corporate *patent* rights or monopoly ownership as offered by TRIPs. At present, these include genes, seeds, plant varieties, and animal breeds—with the possible exception of temporary rights to the exclusive production and sale of distinctive plant and animal varieties created through privately funded breeding programs. The general principle is this: no patents on life. There is also a need to rethink patent rules on life-sustaining pharmaceuticals—for example, AIDS drugs—to ensure fair pricing and access by all who need them, without regard to financial means.

The Right of Countries to Choose Not to Import or Export Goods They Deem Harmful and Pernicious Should Be Protected; Trade in Certain Pernicious Goods May Properly Be Prohibited by International Agreement

A country properly has the right to ban the import or export of certain goods that it considers presents a threat to health and safety, including genetically modified organisms (GMOs), toxins, weapons, and addictive drugs, as well as tobacco and alcohol, for which existing trade agreements now prohibit exclusions. Some currently traded goods are so harmful to the environment, public health, safety, peace, and the global commons that it may be appropriate to create an international agreement to ban them entirely. Candidates would include toxic and nuclear wastes, endangered species, land mines, and sex workers. Such issues, however, are appropriately addressed by international forums and agreements devoted specifically to these topics, not by specialized trade bodies or trade and investment agreements.

2. STRENGTHEN THE REACH AND ENFORCEMENT OF MEAS AND OTHER PROTECTIVE TREATIES AMONG NATIONS

At this time, the only meaningful protection for some aspects of the global commons resides in the United Nations' multilateral environment agreements (MEAs). These include the Kyoto Protocol to the U.N. Framework Convention on Climate Change, the Montreal Protocol on Substances that Deplete the Ozone Layer, the U.N. Convention on Biological Diversity, the

U.N. Convention on the Law of the Sea, the Outer Space Treaty of 1967, the Antarctic Treaty (1959), the U.N. Convention on Straddling and Highly Migratory Fish Stocks, the Stockholm Convention on Persistent Organic Pollutants, and in another vein, the International Telecommunications Union (which assigns radio frequencies to individual nations, and supervises their use), among others.

All of these agreements may have been directly undermined by the World Trade Organization's assertion at the Doha ministerial meeting of 2001 that its own rules should take priority over them. According to the WTO, when there is a conflict between the rules, WTO rules trump the MEAs, which means that trade ministers rather than environment ministers decide the ultimate use of the resources. In turn, it means that corporate interests determine what happens to the world's common resources, even though it is these very corporate interests themselves that are rapidly destroying the environmental commons. If left unchallenged, this WTO policy will be disastrous for environmental governance on the planet and will weaken the most effective mechanism that now exists for protection of the global commons.

The international community, and the governments (many from the Third World) that led the diplomatic fights to establish MEA treaties, have yet to fully respond to or grasp the potential threats posed by the WTO. Some international NGOs, notably the IFG, *have* developed full programs to address the problem. But any new political coalition to defend MEAs clearly must also go well beyond the environmental community and include rural poor peoples' movements, farmers, indigenous peoples, fisherfolk, and so on, whose livelihoods depend on the commons. Broad inclusion of these movements could raise some sticky issues. For example, among indigenous groups, land ownership is traditionally communal and noncommodified. But some MEAs and trust arrangements commodify certain natural processes, as in the case of carbon trading in the Kyoto protocol and in some trust arrangements that include market-based applications. Nonetheless, all groups are unifying around the demand that the United Nations, not the WTO, should be the forum in which the fate and powers of MEAs are decided.

One important step toward a solution on indigenous issues would be the ratification of the U.N. Draft Resolution on the Rights of Indigenous Peoples, which well articulates indigenous rights and protections. It should have final status equal to all other international treaties, including MEAs. (See also chapter 4, Box L.)

Most important in all our efforts must be to increase the enforcement powers of MEAs. The World Trade Organization has been given real power to levy economic and political sanctions on any government that defies its rules, but many MEAs lack such powers. Balance needs to be restored. Also, MEAs as they exist today are products of complex negotiations among nations and may not cover their subject area thoroughly, as we have seen, for example, with the many loopholes in the Kyoto protocol. Nor are there MEAs for every endangered aspect of the commons. Nevertheless, MEAs are presently the most viable international model for environmental governance.

Finally, MEA bureaucracies must build into their own constitutions specific language that asserts that their rules *supercede* any created by global trade bodies such as the WTO. Already, the Biosafety Protocol of the Convention on Biological Diversity has included such language in its basic agreement, which will surely lead eventually to a bitter battle with the WTO. It is a battle that governments and every MEA bureaucracy need to initiate, and win.

To help alleviate these limits of MEAs, some officials, scholars, and activists are proposing augmented governance mechanisms, such as a world environmental court. For example, Michael Meacher, who was environment minister in the U.K. government from 1997 to 2003, argues strongly for the viability of such a court as "the supreme legal authority" for settling issues regarding harms to the global environmental common. "The basis of its legal operations," says Meacher, "would be a global environmental charter specifying the ecological conditions which must be met if the biosphere is to be allowed to operate within tolerable elasticities from its natural functioning." In addition, says Meacher and others, we need a strengthened United Nations Environment Program (UNEP). Three fundamental changes are required for it to be effective: (1) it must be well funded by contributions from national governments based on a percentage of the gross domestic product of each nation; (2) it needs to operate at least on the level of environment ministers, who will not just talk but will make concrete decisions that are binding upon all nations; and (3) it must have authority at least equal to that of the WTO. Finally, the sanctions and penalties for breaches of the rules must be severe enough to serve as true deterrents to further destruction of the commons.

3. APPLY MODERN TRUST MODELS

Peter Barnes argues that a variety of trust models are the most practical long-term form of protection for local and global commons, at least where domestic laws or international accords or treaties, such as MEAs, prove inadequate. He argues that trusts have operated successfully for centuries, and that their fundamental rules make them uniquely appropriate instruments to operationalize protection today and keep common resources safe from the ravages of the market.

Trusts may be held by the state—as, for example, in the public trust model described in an earlier section—or they may be separate institutions with appointed trustees. In all cases, the managers or trustees must follow certain rules—for example, to sustain fiduciary responsibility, to operate with undivided loyalty on behalf of the trust's beneficiaries, *not* to favor the present generation over future generations, to prevent the depletion of the protected resource unless mandated otherwise, and to remain transparent and accountable at all times, among other conditions. These operating standards for trusts make them structurally the opposite of corporations, whose goals are usually to attempt to maximize short-term benefits. In fact, the rules of corporate law make it mandatory that corporate executives place profit as the primary value and scarcely include such values as resource protection or community welfare. We will look first at the public trust doctrine, and then turn to a variety of other models, with examples of where they have worked effectively.

Doctrine of Public Trust

This concerns the inherent *obligations* of the state, or government, to protect the people's interests in the commons, especially in the case of such life-giving resources as water, air, biodiversity, wildlife, forests, and so on, although they may also include public education, public broadcasting, transportation, and the like—aspects of what we have called the modern commons.

As mentioned earlier, the Doctrine of Public Trust dates back to Roman times, continued through the Middle Ages in France, Spain, and England, and was codified within the Magna Carta. In Europe, the public trust doctrine not only confirmed the rights of so-called commoners to enjoy the fruits of the land, waters, forests, and so on but also stipulated that while governments or kings could technically own public lands, they did so in trust for the public, and with an obligation to protect the public's common usages. According to Mark Dowie, this is where the notion of sovereign property was born. "With sovereignty came the unavoidable duty of state stewardship, a concept that survives today in all manifestations of the doctrine." Further, according to Dowie, "government could not relinquish such public trust obligations to any private party."

The public trust doctrine remained viable through the period of North American colonialism and in fact is still recognized as common law in the United States and elsewhere. Dowie cites numerous cases of its application. For example, nineteenth-century New Jersey fisherpeople protested the privatization of coastal and estuarine oyster beds, from which their communities had freely gathered food for centuries. The legal question became whether these estuaries and oyster beds, when privatized, could exclude common usage. The case finally went to the U.S. Supreme Court, which decided that the use of the oyster beds was protected under the public trust doctrine, even though that doctrine had never been codified in the United States. A decade later, the California Supreme Court ruled that property rights in water "consist not so much of the fluid itself, as the advantage of its use." In other words, common usage is protected.

"In 1892 came the granddaddy of them all," reports Dowie. "In *Illinois Central Railroad v. Illinois*, the U.S. Supreme Court held that a state legislature could not grant ownership of land under navigable waters to a private party." Water and the ground beneath it, said the court, "is a title held in trust for the people of the state, that they may enjoy the navigation of waters, carry on commerce over them, and have liberty of fishing therein, from the obstruction or interference of private parties."

Later cases invoking the public trust doctrine have included the famous Mono Lake decision, in which the California Supreme Court ruled that waters from that lake could not be diverted for private development uses that might injure not only tidelands but also, according to reporter Dowie, "lakes, rivers, riverbeds, wildlife habitat, and recreation."

The public trust doctrine was also applied in a recent case involving the

Hudson River Valley in New York State, where General Electric Corporation, which for decades had been dumping millions of tons of toxins on lands adjacent to the river, was finally deprived of its private property rights because of its effect on the river water. Public trust case law held that tidal resources and wetlands held by the states in trust for the people include lands that are privately owned; the public trustee may never legally relinquish the public's rights in those lands. The same logic was used in the Hawaiian Waiahole ditch decision, affirming the state's obligation to protect indigenous rights to water.

So, the Roman Doctrine of Public Trust is alive and well, though right-wing advocates of property rights *uber alles* are challenging the doctrine wherever they can and have even tried to use it to their own benefit. In one case cited by Dowie, for example, "a Texas-based oil company was denied a permit to drill for crude in California, [but] sought a reversal, arguing that domestic oil was, now more than ever, as vital to the public as water." That case is pending.

Dowie's view is that "ecological integrity [should be] established as a public trust right in all states." The question is this: Could a doctrine that acknowledges the public's right to real property be used to service "all aspects of the sometimes invisible larger commons"? Dowie says that such "public trust litigation is likely to succeed only with intensive community activism and public education."

Ideas for Novel Trusts

Peter Barnes advocates a design of modernized trust institutions that can protect the commons just as well as the public trust doctrine once did. He agrees that it will require mounting public pressure from NGOs and public officials to achieve, but if so, the trust model could come to occupy a legal position comparable to corporations.

Trusts are sufficiently flexible to be designed in dozens of differing forms, for different purposes. In every variant, the central obligations of trustees remain these: acting only on behalf of the public beneficiaries, not depleting the resource, acting in an open manner, and so on, as amplified earlier. All of those standards are the opposite of resource management by market factors, as now, or even by the state (which is often beholden to commercial interests).

The design of some trusts, for example, could prohibit all but the most noninvasive uses of certain commons—wilderness regions or parks. Other forms could focus on the kinds of commons that allow sustainable use, without diminishment of the commons. These are appropriate for fisheries, rivers, forests, and the atmosphere. "The challenge," in business terms, says Barnes, "is to live off income without diminishing capital." A common law precedent is "the riparian principle," which once applied broadly to rivers and streams in England and early America. This permitted water to be used but *not owned* by those adjacent to it, with water quality and volume undiminished. An example of this is the Pacific Forest Trust, which buys conservation easements from private forest owners, who thenceforth can continue to harvest trees but within strict limits that prevent overcuts, ecologically harmful practices, and development.

Other kinds of trusts could allow free unlimited usage of an undepletable commons, as, say, with the Internet. Still others, concerned with depletable but highly valued resources could define a predetermined level of maximum use, with all fee income from such use going to the public beneficiaries. Examples of the latter include the Alaska Permanent Fund, through which every Alaskan now receives a yearly dividend from oil and gas leases. Unfortunately, the downside of such arrangements is that they may provide incentives for the public to support increased oil consumption.

Less problematic examples include California's successful Marin Agricultural Land Trust, which is designed to maintain the rural character of a farming region threatened by sprawl and development. The trust buys conservation easements from small farmers using public and private funds. This ensures that the agricultural land use remains and that farmers may survive and continue to operate and own their small farms. Similarly, the Oregon Water Trust acquires previously allocated water rights and uses them to augment flows of rivers and streams for environmental health.

Barnes's favorite example is his own Sky Trust model (also discussed in "Energy Systems" in chapter 7), in which a global commons—the atmosphere—is put into a global trust for control of its use as a pollution dump site.

"The Sky Trust is based on the premise," says Barnes, "that the sky belongs to everyone and must be held in trust for future generations. It requires polluters to purchase expensive emission permits from a trust representing all citizens of the world. The trust's income can be used for public purposes or rebates to citizens through equal dividends" in the manner of the Alaska Permanent Fund. The difference between the Sky Trust and the Alaska fund is that trustees would set a strict maximum usage, reflecting ecological limits, while charging very high fees. Thus polluters would have to pay significantly—at present they pay nothing for this kind of pollution dumping—and then might also have to raise prices for polluting products—say, cars, or the output of smokestack factories. Thus pollution is discouraged, and so is consumption of polluting products. Meanwhile, any money that is finally raised from fees is divvied up among publics, or used for public purposes.

Of course, there remains the question of how we get from here to there. Where is the political will to achieve models that might effectively remove some part of the public commons from having its fate solely determined by market forces? Public outrage and organizational and political pressure are mandatory in these matters, but such trust models offer an opportunity for expressing viable alternative systems. Meanwhile, they can help achieve compromise solutions in a difficult context: privatization, rampant growth, and corporate political domination, all of which are the roots of the problem.

The way to proceed, finally, is on all fronts. The firm removal of global, local, and modern commons from the global trading system is the first prong of a unified effort to strengthen the viability of the commons and separate it from market forces. Preservation and expansion of the powers of the MEAs are vital. And trusts of various kinds can make inroads too.

CHAPTER SIX

Subsidiarity

Recalling Power from the Global

IT IS THE MAJOR CONCEIT, or gamble, of the proponents of economic globalization that by removing economic control from the places where it has traditionally resided—in nations, states, subregions, communities, or indigenous societies—and placing that control into absentee authorities that operate globally via giant corporations and bureaucracies, all levels of society will benefit. But as we have seen in earlier chapters, this is not true, and it is a principal reason why so many millions of people are angrily protesting.

The captains of globalization are driven by what is still essentially an economic ideology. They operate on a macro scale removed from the everyday realities of local conditions or awareness. They lobby for their ideas and theories as though they were viable and cogent, as if they themselves were expert visionaries and managers of their new centralized global architecture. They continue to praise their formulas despite the numerous spectacular breakdowns they have caused: the Asian financial crisis, the Russian financial crisis, the near-economic meltdown of Brazil, and the collapse of the Argentine economy, along with the global increase in poverty, hunger, inequity, dependency, and powerlessness. These theories do not work and cannot work; the main beneficiaries, unsurprisingly, remain the global corporations and economic elites that have instituted these processes.

As we have seen, the central modus operandi of the globalization model is to delocalize controls over economic *and* political activity in a systematic appropriation of the powers, decisions, options, and functions that through history have been fulfilled by the community, region, or state. Another